

113TH CONGRESS
2D SESSION

H. R. 4715

To rescind unused earmarks provided for the Department of Transportation,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 22, 2014

Mr. LANKFORD introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committees on Transportation and Infrastructure and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To rescind unused earmarks provided for the Department
of Transportation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Orphan Earmarks
5 Act”.

6 **SEC. 2. UNUSED EARMARKS.**

7 (a) DEFINITIONS.—In this section—

1 (1) the term “agency” has the meaning given
2 the term “Executive agency” under section 105 of
3 title 5, United States Code;

4 (2) the term “earmark” means—

5 (A) a congressionally directed spending
6 item, as defined in rule XLIV of the Standing
7 Rules of the Senate; and

8 (B) a congressional earmark, as defined in
9 rule XXI of the Rules of the House of Rep-
10 resentatives; and

11 (3) the term “unused DOT earmark” means an
12 earmark of funds provided for the Department of
13 Transportation as to which more than 90 percent of
14 the dollar amount of the earmark of funds remains
15 available for obligation at the end of the 9th fiscal
16 year following the fiscal year during which the ear-
17 mark was made available.

18 (b) RESCISSION OF UNUSED DOT EARMARKS.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (2), effective on October 1 of the 10th fiscal
21 year after funds under an unused DOT earmark are
22 made available, all unobligated amounts made avail-
23 able under the unused DOT earmark are rescinded.

24 (2) EXCEPTION.—The Secretary of Transpor-
25 tation may delay the rescission of amounts made

1 available under an unused DOT earmark for 1 year
2 if the Secretary determines that an additional obli-
3 gation of the earmark is likely to occur during the
4 10th fiscal year after funds under the unused DOT
5 earmark are made available.

6 (c) AGENCY-WIDE IDENTIFICATION AND REPORT.—

7 (1) AGENCY IDENTIFICATION.—Each agency
8 shall identify and submit to the Director of the Of-
9 fice of Management and Budget an annual report
10 regarding every project of the agency for which—

11 (A) amounts are made available under an
12 earmark; and

13 (B) as of the end of a fiscal year, unobli-
14 gated balances remain available.

15 (2) ANNUAL REPORT.—The Director of the Of-
16 fice of Management and Budget shall submit to
17 Congress and publically post on the website of the
18 Office of Management and Budget an annual report
19 that includes—

20 (A) a listing and accounting for earmarks
21 for which unobligated balances remain avail-
22 able, summarized by agency, which shall in-
23 clude, for each earmark—

24 (i) the amount of funds made avail-
25 able under the original earmark;

1 (ii) the amount of the unobligated bal-
2 ances that remain available;

3 (iii) the fiscal year through which the
4 funds are made available, if applicable; and

5 (iv) recommendations and justifica-
6 tions for whether the earmark should be
7 rescinded or retained in the next fiscal
8 year;

9 (B) the number of rescissions resulting
10 from this section and the annual savings result-
11 ing from this section for the previous fiscal
12 year; and

13 (C) a listing and accounting for earmarks
14 provided for the Department of Transportation
15 scheduled to be rescinded under subsection (b)
16 at the end of the fiscal year during which the
17 report is submitted.

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